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MERCHANT & GOULD
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

SANTOS, PATRICK J D

ART UNIT	PAPER NUMBER
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2171

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DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,676

Applicant(s)

CHEN ET AL.

Examiner

Patrick J Santos

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☒ Claim(s) 7, 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). Misnumbered Claim 22 has been renumbered Claim 23.

3. Claim 7 is objected to because of the following informality: a comma is missing before the word "and" in the phrase, "mergeable property in conflict and a status describing the conflict" [Specification: clm.7. p. 21, ln. 7]. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 10 uses the phrase, "more conservative value." The phrase, "more conservative" is indefinite because it could be interpreted in different ways. One interpretation would be to provide a lesser value. Another interpretation would be to provide a default value which may be either lesser or greater than the original value. As such, the public is not able to determine where one may infringe on the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 5-7, 11-12, 15, 19, and 23 (claim 23 renumbered; see claim numbering objection above) are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,125,369 issued to Wu et al. (hereafter Wu '369).

Claim 1:

Regarding Claim 1, Wu '369 teaches a computer-implemented method for resolving a conflict detected while synchronizing a first data object in a first store associated with a mobile device and a second data object in a second store associated with a server [Wu '369: col 135, lns. 2-3], comprising:

- a) Designating at least one property of the first data object as a mergeable property and at least one corresponding property of the second data object as a corresponding mergeable property [Wu '369: col. 135, lns. 8-10];
- b) Determining if the conflict detected comprises a difference between the at least one mergeable property of the first data object and the at least one corresponding mergeable property of the second data object [Wu '369: col. 135, lns. 21-23];
- c) If so, merging the first data object and the second data object to resolve the conflict [Wu '369: col. 135, lns 23-26].

Claim 5:

Regarding Claim 5, Wu '369 teaches all the limitations of Claim 1 as described above. Furthermore, Wu '369 also teaches wherein the merging is performed without user-intervention on the mobile device [Wu '369: col. 2, lns 59-63].

Claim 6:

Regarding Claim 6, Wu '369 teaches all the limitations of Claim 1 as described above. Furthermore, Wu '369 also teaches sending a notification to the mobile device if merging of the first data object and the second data object was performed [Wu '369: col. 135, lns. 10-18].

Claim 7:

Regarding Claim 7, Wu '369 teaches all the limitations of Claim 6 as described above. Furthermore, Wu '369 also teaches the notification includes an identifier associated with the first data object, a property name associated with the mergeable property in conflict, and a status describing the conflict [Wu '369: col. 7, ln. 60 to col. 8, ln.5; col. 8, lns. 38-45; col. 10, lns. 43-60].

Claim 11:

Regarding Claim 6, Wu '369 teaches all the limitations of Claim 1 as described above. Furthermore, Wu '369 also teaches determining if values associated with the at least one mergeable property of the second data object are the same, and if so, dismissing the conflict [Wu '369: col. 2, lns. 59-63]. Note that Wu '369 teaches taking action only on objects that have changed, and ignoring objects that have not changed.

Claim 12:

Regarding Claim 12, Wu '369 teaches a computer readable medium having computer-executable instructions for synchronizing a first data object associated with a mobile device and a second data object associated with a server [Wu '369: col 135, lns. 2-3], the instructions comprising:

- a) Receiving a request for a synchronization event that synchronizes the first data object with the second data object [Wu '369: col. 135, lns. 8-15];
- b) During the synchronization event, comparing the first data object to the second data object [Wu '369: col. 135, lns. 21-23];

- c) If a property of the first data object differs from a corresponding property of the second data object, merging the property of the first data object with the corresponding property of the second data object [Wu '369: col. 135, lns 23-26].

Claim 15:

Regarding Claim 15, Wu '369 teaches all the limitations of Claim 12 as described above. Furthermore, Wu '369 also teaches wherein the merging is performed without user-intervention on the mobile device [Wu '369: col. 2, lns. 59-63].

Claim 19:

Regarding Claim 19, Wu '369 teaches a system for resolving a conflict detected during a synchronization session [Wu '369: col 136, lns. 50-51], comprising:

- a) Receiving a request for a synchronization event that synchronizes the first data object with the second data object [Wu '369: col. 137, lns. 1-8];
- b) During the synchronization event, comparing the first data object to the second data object [Wu '369: col. 136, lns. 62-65];
- c) If a property of the first data object differs from a corresponding property of the second data object, merging the property of the first data object with the corresponding property of the second data object [Wu '369: col. 136, lns. 65-67].

Claim 23 (renumbered):

Regarding renumbered Claim 23 (see object to claim numbering above), Wu '369 teaches all the limitations of Claim 19 as described above. Furthermore, Wu '369 also teaches wherein the server is configured to merge the property of the data object and the corresponding property without user-intervention on the first device [Wu '369: col. 2, lns 59-63].

8. Claims 1, 12, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,974,238 issued to Chase (hereafter Chase '238).

Claim 1:

Regarding Claim 1, Chase '238 teaches a computer-implemented method for resolving a conflict detected while synchronizing a first data object in a first store associated with a mobile device and a second data object in a second store associated with a server [Chase '238: col. 22, lns. 22-24], comprising:

- a) Designating at least one property of the first data object as a mergeable property and at least one corresponding property of the second data object as a corresponding mergeable property [Chase '238: col. 22, lns. 26-28];
- b) Determining if the conflict detected comprises a difference between the at least one mergeable property of the first data object and the at least one corresponding mergeable property of the second data object [Chase '238: col. 22, lns. 35-36];
- c) If so, merging the first data object and the second data object to resolve the conflict [Chase '238: col. 22, lns 33-36].

Claim 12:

Regarding Claim 12, Chase '238 teaches a computer readable medium having computer-executable instructions for synchronizing a first data object associated with a mobile device and a second data object associated with a server [Chase '238: col. 22, lns. 22-24], the instructions comprising:

- a) Receiving a request for a synchronization event that synchronizes the first data object with the second data object [Chase '238: col. 23, lns. 12-15];
- b) During the synchronization event, comparing the first data object to the second data object [Chase '238: col. 22, lns. 35-36];
- c) If a property of the first data object differs from a corresponding property of the second data object, merging the property of the first data object with the corresponding property of the second data object [Chase '238: col. 22, lns 33-36].

Claim 19:

Regarding Claim 19, Chase '238 teaches a system for resolving a conflict detected during a synchronization session [Chase '238: col. 22, lns. 22-24], comprising:

- a) Receiving a request for a synchronization event that synchronizes the first data object with the second data object [Chase '238: col. 23, lns. 12-15];
- b) During the synchronization event, comparing the first data object to the second data object [Chase '238: col. 22, lns. 35-36];
- c) If a property of the first data object differs from a corresponding property of the second data object, merging the property of the first data object with the corresponding property of the second data object [Chase '238: col. 22, lns 33-36].

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu '369 in view of U.S. Patent No. 5,727,202 issued to Kucala (hereafter Kucala '202).

Claims 2, 13, and 20:

Regarding Claims 2, 13, and 20, Wu '369 teaches all the limitations of Claims 1, 12, and 19 respectively. However, Wu '369 does not explicitly teach merging the first data object and the second data object comprises determining a preferred state for each of the at least one mergeable property and corresponding mergeable property that differ and storing the preferred state in the mergeable property and corresponding mergeable property if an initial state of the mergeable property is different from the preferred state.

Kucala '202 teaches: merging the first data object and the second data object comprises

- determining a preferred state for each of the at least one mergeable property and corresponding mergeable property that differ [Kucala '202: col. 1, ln. 64 to col. 2, ln. 23; col. 3, ln. 64 to col. 4, ln. 43]; and
- storing the preferred state in the mergeable property and corresponding mergeable property if an initial state of the mergeable property is different from the preferred state [Kucala '202: col. 1, ln. 64 to col. 2, ln. 23; col. 3, ln. 64 to col. 4, ln. 43].

It would have been obvious for a person having ordinary skill in the art to apply the means of merging the data of Kucala '202 to the resolution conflict method of Wu '369. The motivation for the ordinarily skilled artisan to accomplish said application is suggested by

Kucala '202 which teaches the use of preferred states such that a user need not spend an inordinate amount of time to reconcile data [Kucala '202: col. 1, lns. 52-66].

11. Claims 3, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu '369 and Kucala '202, in view of U.S. Patent No. 5,230,073 issued to Gausmann et al. (hereafter Gausmann '073).

Claims 3, 14, and 21:

Regarding Claims 3, 14, and 21, Wu '369 and Kucala '202 in combination teach all the limitations of Claims 2, 13, and 20 respectively. However, Wu '369 and Kucala '202 in combination do not teach the preferred state is related to a likelihood that vital information would be lost if the preferred state did not replace the initial state when different.

Gausmann '073 teaches the preferred state is related to a likelihood that vital information would be lost if the preferred state did not replace the initial state when different [Gausmann '073: col. 8, lns. 33-53]. Note that Gausmann '073 is teaching a particular implementation of optimistic concurrency, in which database writes are executed with an expectation that the write will produce a conflict.

It would have been obvious for a person having ordinary skill in the art to apply the optimistic concurrency means of Gausmann '073 to the resolution conflict method of Wu '369 and Kucala '202 in combination. The motivation for the ordinarily skilled artisan to accomplish said application is suggested by Gausmann '073 which teaches that an application of optimistic concurrency will provide advantages including simplified consistency control and concurrency management [Gausmann '073: col. 5, lns. 24-35].

12. Claims 8-9 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chase '238 in view of U.S. Patent No. 6,212,553 issued to Lee et al. (hereafter Lee '553).

Claims 8 and 22:

Regarding Claims 8 and 22, Chase '238 teaches all the limitations of Claim 1 and 19 as described above. Furthermore, Chase '238 teaches that the first data object and the second data object comprise an email object [Chase '238: col. 22, lns. 50-53]. However, Chase '238 does not teach that the at least one mergeable property and corresponding mergeable property comprises a read indicator.

Lee '553 teaches the at least one mergeable property and corresponding mergeable property comprises a read indicator [Lee '553: col. 22, lns. 42-43].

It would have been obvious for a person having ordinary skill in the art to use the read indicator of Lee '553 as the mergeable property of the email object of Chase '238. The motivation to accomplish said combination is suggested by Lee '553 which teaches that its fields provide for a means to identify messages that require some sort of followup action [Lee. 553: col. 4, lns. 45-48]. The synchronization/conflict resolution mechanism of Chase '238 is one such followup action.

Claim 9:

Regarding Claim 9, Chase '238 teaches all the limitations of Claim 1 as described above. Furthermore, Chase '238 teaches the first data object and the second data object comprise an appointment object [Chase '238: col. 22, lns. 50-53]. However, Chase '238 does not teach that

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the at least one mergeable property and corresponding mergeable property comprises a reminder and a reminder time.

Lee '553 teaches the first data object and the second data object comprise an appointment object and the at least one mergeable property and corresponding mergeable property comprises a reminder and a reminder time [Lee '553: col. 26, lns. 14-34].

It would have been obvious for a person having ordinary skill in the art to use the reminder information of Lee '553 as the mergeable properties of the appointment object of Chase '238. The motivation to accomplish said combination is suggested by Lee '553 which teaches that its fields provide for a means to identify messages that require some sort of followup action [Lee '553: col. 4, lns. 45-48]. The synchronization/conflict resolution mechanism of Chase '238 is one such followup action.

13. Claim 10 (as best as can be interpreted, see 112 para 2 rejection above) is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase '238 and Lee '553 in view of U.S. Patent No. 5,943,676 issued to Boothby (hereafter Boothby '676)

Claim 10:

Regarding Claim 10, Chase '238 and Lee '553 teach all the limitations of Claim 9 as described above. However, Chase '238 and Lee '553 in combination do not teach a method in which conflict is resolved by merging a more conservative value of the conflicting properties as the value for both properties.

Boothby '676 teaches a method in which conflict is resolved by merging a more conservative value of the conflicting properties as the value for both properties [Boothby '676: col. 10, lns. 1-46].

It would have been obvious for a person having ordinary skill in the art to apply the method of Boothby '676 to the Chase '238 / Lee '553 combination. The motivation to accomplish said combination is suggested by Boothby '676 which teaches that complex data sanitation methods can be implement via the method of Boothby [Boothby '676: col. 11, lns. 30-35]. Actions, such as the merging of more conservative values is included in said data sanitation method.

14. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase '238 in view of Kucala '202.

Claim 2:

Regarding Claim 2, Chase '238 teaches all the limitations of Claim 1 as described above. However, Chase '238 does not explicitly teach merging the first data object and the second data object comprises determining a preferred state for each of the at least one mergeable property and corresponding mergeable property that differ and storing the preferred state in the mergeable property and corresponding mergeable property if an initial state of the mergeable property is different from the preferred state.

Kucala '202 teaches: merging the first data object and the second data object comprises

- determining a preferred state for each of the at least one mergeable property and corresponding mergeable property that differ [Kucala '202: col. 1, ln. 64 to col. 2, ln. 23; col. 3, ln. 64 to col. 4, ln. 43]; and
- storing the preferred state in the mergeable property and corresponding mergeable property if an initial state of the mergeable property is different from the preferred state [Kucala '202: col. 1, ln. 64 to col. 2, ln. 23; col. 3, ln. 64 to col. 4, ln. 43].

It would have been obvious for a person having ordinary skill in the art to apply the means of merging the data of Kucala '202 to the resolution conflict method of Chase '238. The motivation for the ordinarily skilled artisan to accomplish said application is suggested by Kucala '202 which teaches the use of preferred states such that a user need not spend an inordinate amount of time to reconcile data [Kucala '202: col. 1, lns. 52-66].

15. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase '238 and Kucala '202 in view of Lee '553.

Claim 4:

Regarding Claim 4, Chase '238 and Kucala '202 teach all the limitations of Claim 2 as described above. Furthermore, Chase '238 teaches that the first data object and the second data object comprise an email object. However, Chase '238 and Kucala '202 in combination do not teach the at least one mergeable property and corresponding mergeable property comprises a read indicator.

Lee '553 teaches the at least one mergeable property and corresponding mergeable property comprises a read indicator [Lee '553: col. 22, lns. 42-43].

It would have been obvious for a person having ordinary skill in the art to use the read indicator of Lee '553 as the mergeable property of the email object of Chase '238 in the Chase '238/Kucala '202 combination. The motivation to accomplish said combination is suggested by Lee '553 which teaches that its fields provide for a means to identify messages that require some sort of followup action [Lee. 553: col. 4, lns. 45-48]. The synchronization/conflict resolution mechanism of Chase '238 in the Chase '238/Kucala '202 combination is one such followup action.

16. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu '369 and Kucala '202 in view of U.S. Patent No. 6,052,735 issued to Ulrich et al. (hereafter Ulrich '735).

Claim 16:

Regarding Claim 16, Wu '369 teaches all the limitations of Claim 12 as described above. However Wu '369 does not teach preferred state and does not teach sending a subset of properties.

Kucala '202 teaches identification of a preferred state [Kucala '202: col. 1, ln. 64 to col. 2, ln. 23; col. 3, ln. 64 to col. 4, ln. 43]. However Kucala '202 does not teach sending a subset of properties.

Ulrich '735 teaches a subset of properties [Ulrich '735: col. 3, lns. 23-34; col. 4, lns. 37-49].

It would have been obvious for a person having ordinary skill in the art to apply the preferred state of Kucala '202 with the conflict resolution system of Wu '369. The motivation

for the ordinarily skilled artisan to accomplish said application is on the same basis as the motivation described in the discussion regarding Claim 2 above.

It would have been obvious for a person having ordinary skill in the art to further apply the subset of properties teaching of Ulrich '735. The motivation for the ordinarily skilled artisan to accomplish said combination is suggested by Ulrich '735 which teaches that use of a subset provides for a synchronization architecture that alleviates the incidents of unwanted integration [Ulrich '735: col. 3, lns. 40-47].

Claim 17:

Regarding Claim 17, Wu '369, Kucala '202, and Ulrich '735 in combination teach all the limitations of Claim 16 as described above. Furthermore, note that Wu '369 teaches the subset includes the property that differs from the corresponding property [Wu '369: col. 135, lns. 21-23]. Note that if the subset did not include the differing property, a change would not be detectable. Hence, having the subset include the property that differs is inherent.

17. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu '369, Kucala '202, and Ulrich '735 in view of Gausmann '073.

Claim 18:

Regarding Claim 18, Wu '369, Kucala '202, and Ulrich '735 in combination teach all the limitations of Claim 16 as described above. However, Wu '369, Kucala '202, and Ulrich '735 in combination do not teach preferred state related to the likelihood that vital information would be lost.

Gausmann '073 teaches the preferred state is related to a likelihood that vital information would be lost if the preferred state did not replace the initial state when different [Gausmann '073: col. 8, Ins. 33-53]. Note that Gausmann '073 is teaching a particular implementation of optimistic concurrency, in which database writes are executed with an expectation that the write will produce a conflict.

It would have been obvious for a person having ordinary skill in the art to apply the optimistic concurrency means of Gausmann '073 to the resolution conflict method of Wu '369 Kucala '202, and Ulrich '735 in combination. The motivation for the ordinarily skilled artisan to accomplish said application is on the same basis as described in the discussion regarding Claim 3 above.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J.D. Santos whose telephone number is 703-305-0707. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Patrick J.D. Santos

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SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100